



Military Commissions Process Briefing

Briefing for the Pentagon Press Corps
July 19, 2005



Overview

- Purpose:
 - To provide update on case status
 - Identify commissions requirements
 - Identify the way ahead



Case Status

- 12 detainees subject to trial by Military Commission
- Eight detainees yet to be charged
- Four detainees have had charges referred to commission for trial
- Cases in abeyance since Dec 2004



Commission Status

- Court stay in Hamdan still to be lifted
- Commission panel members to be named in al-Bahlul and al-Qosi cases
- Review Panel selected
- Hearing dates to be determined



Initial Hearing

- Trial Motions

- Examples

- Armed Conflict decision
 - Jurisdictional decisions
 - Failure to state an offense rulings
 - Classified information rulings
 - Suppression rulings

- Findings and Announcement

- Interlocutory Questions



Types of Commissions

- Fully Litigated
 - Trials could be lengthy
 - 8-10 hours per day during court sessions

- Guilty Plea Cases
 - Accused may initiate negotiations
 - Court session would be much shorter



Unknown Factors

- Defense Counsel Appeals
- Commission Recesses
- Resolution of existing Defense Counsel motions



Military Commissions

- Trial
 - Government cases avg. 10-20 witnesses
 - Defense cases unknown
 - Motions and objections
 - Interlocutory questions
 - Sentencing



Personnel in Courtroom

- Office of Military Commissions personnel
 - Appointing Authority Staff
 - Office of the Chief Prosecutor
 - Office of the Chief Defense Counsel
- Commission Panel
- Court support
 - Court reporters
 - Bailiffs
 - Translators
 - Physical Security
 - IT Support
- Witnesses/escorts
- Victims/escorts



Personnel in Courtroom (cont)

- Accused family members (2)
 - Escorts
 - Translator
 - Security
- Accused's diplomatic representatives/escorts
- US government observers/escorts
- International organizations/escorts
- *Media (10)/escorts



Procedures

- Prosecution will present its case; motions and objections raised by defense
- Evidence will be presented by prosecution or defense
- Panel members will be allowed to deliberate as long as necessary to reach a decision



Procedures

- Commission may be "open," "open with delay" or "closed"
- During brief recesses or presentation of classified evidence, observers will leave the court room
- Plan is to make unclassified evidence available to the public



Final Thoughts

- Commissions afford the accused a full and fair hearing while taking into account national security interests
- Our goal is to ensure that at the end of a commission all agree the accused had a full and fair hearing
- Additional Info on Defenselink at:
<http://www.defenselink.mil/news/commissions.html>



Questions?